

REMARKS

The Rejections Under 35 USC § 112

Claim 24 is amended to overcome the rejection to the form of the claim.

The Provisional Obviousness Type Double Patenting Rejections

A terminal disclaimer is attached over US application number 09/485,292.

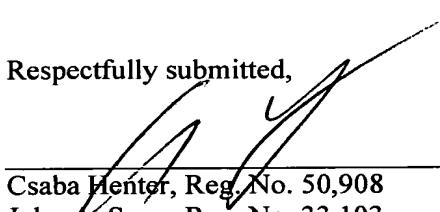
Applicants respectfully disagree with the rejection over the 10/631,011 application. The Office Action appears to treat the named partial structures of the claimed conjugates in claim 3 of the '011 application as individually named compounds that are separate or separated from the claimed conjugates. Such a reading of claim 3 of the '011 application is incorrect. Claim 3 of said application is directed to an effector conjugate which is a chemical combination of the specifically named partial structures (one of which was pointed out in the Office Action), and a structure of formula III or IV, which are covalently bound to each other to form the effector conjugate. These partial structures are claimed as the "effector element" of the claimed conjugate. See the first two lines of claim 3 of the '011 application. Looking at claim 1, from which claim 3 depends, it is clear that the effector conjugate contains a structure of formula I, and a structure of formula III or IV, linked together covalently. Claim 1 requires that at least one of L¹, L² or L⁴ of the structure of formula I be a structure of formula III or IV. Nothing in the claims of the '011 application teaches or suggests the breaking up of the claimed conjugates to obtain the named partial structures listed in claim 3 as separate compounds. Thus, the instant claims are directed to patentably distinct subject matter and not an obvious variant of claim 3 or any other claim of the '011 application.

Reconsideration is respectfully requested.

If any outstanding issue remains, applicants request that counsel be contacted by telephone to resolve such issues.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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